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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,762	08/02/2004	Shan-Wen Chang	112.P77292	4761

43831 7590 07/19/2007  
BERKELEY LAW & TECHNOLOGY GROUP, LLP  
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EXAMINER
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CUTLER, ALBERT H

ART UNIT	PAPER NUMBER
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2622

MAIL DATE	DELIVERY MODE
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07/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/710,762

Applicant(s)

CHANG, SHAN-WEN

Examiner

Albert H. Cutler

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This office action is responsive to application 10/710,762 filed on August 2, 2004. Claims 1-11 are pending in the application and have been examined by the examiner.

### ***Information Disclosure Statement***

2. The Information Disclosure Statement (IDS) mailed on June 27, 2005 was received and has been considered by the examiner.

### ***Priority***

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Objections***

4. Claim 3 is objected to because of the following informalities: Claim 3 recites, "wherein the movable rod is extended out of the housing while the force is applied, but is pushed into the housing while the force is not applied". However, paragraph 0015 of the specification recites, "part of the first movable rod extends out of the housing of the digital camera while no force is applied to it". It appears from the specification and the drawings that Claim 3 should read, "wherein the movable rod is extended out of the housing while **no** force is applied, but is pushed into the housing while the force is applied", and this is the way the Examiner will interpret the claim. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-4, and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Keiichiro(Japanese Patent Application Publication 2003-189164).

Consider claim 1, Keiichiro teaches:

A digital camera(drawing 1) for detecting whether to be stable(The system detects whether a camera is connected to a tripod(i.e. whether to be stable), paragraphs 0010-0017.) comprising:

- a housing(The camera has a "body"(i.e. housing), paragraph 0010);
- a lens(9A and 9B) formed on the housing for inputting light(paragraph 0008);
- a photosensor(10) for sensing the inputted light(paragraph 0008);
- an image generator for generating an image based on the sensed light(The photosensor(10) generates an image by changing incident light into an electrical signal with the help of a CPU(8), paragraphs 0008 and 0009.); and
- a trigger(21, 22, 23), disposed on the housing(drawing 1, paragraph 0010), for generating a trigger signal while the housing is fixed(The trigger generates a signal

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indicating that the camera is connected to the tripod, paragraphs 0010, 0013, and 0015.).

Consider claim 2, and as applied to claim 1 above, Keiichiro further teaches:

the trigger comprises:

a movable rod(21, drawing 1) for triggering a switch to generate a trigger signal while a force is applied(Pressure on the moving rod(21) brings the contacts(22 and 23) together, creating a signal, paragraphs 0010, 0013, and 0015.); and

an elastic member(22) for returning the movable rod to stop the triggering of the switch, while the force is not applied on the movable rod(Terminal(22) is an elastic member, as when a force is applied(paragraph 0010) to the movable rod(21, see drawing 1), terminal(22) is pressed into contact with terminal(23), and when no force is applied, the terminals will not be in contact, paragraphs 0010-0017.).

Consider claim 3, and as applied to claim 2 above, Keiichiro further teaches that the movable rod(21) is extended out of the housing while no force is applied, but is pushed into the housing while the force is applied(See drawing 1. Movable rod(21) is extended out of the housing(20), but will retract into the housing when a force is applied in order to initiate a connection between terminals 22 and 23.).

Consider claim 4, and as applied to claim 2 above, Keiichiro further teaches that the movable rod is positioned within a recess on the housing(See drawing 1. A recess,

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which contains movable rod(21), is formed in the housing of the camera in order to accept a tripod.).

Consider claim 7, Keiichiro teaches:

An image-capturing system(drawing 1) for detecting whether to be stable comprising(The system detects whether a camera is connected to a tripod(i.e. whether to be stable), paragraphs 0010-0017.):

a digital camera comprising(drawing 1):

a housing(The camera has a "body"(i.e. housing), paragraph 0010);

a lens(9A and 9B) formed on the housing for inputting light(paragraph 0008);

a photosensor(10) for sensing the inputted light(paragraph 0008);

an image generator for generating an image based on the sensed light(The photosensor(10) generates an image by changing incident light into an electrical signal with the help of a CPU(8), paragraphs 0008 and 0009.);

a trigger(21, 22, 23), disposed on the housing(drawing 1, paragraph 0010), for generating a trigger signal while the housing is fixed(The trigger generates a signal indicating that the camera is connected to the tripod, paragraphs 0010, 0013, and 0015.).

a tripod(not shown, paragraph 10) for fixing the digital camera comprising:

a trigger end, for triggering the trigger of the digital camera for generating a trigger signal as the tripod is engaged with the digital camera(A tripod is anchored to the camera, and the male screw portion(i.e. a trigger end) of the tripod activates a trigger

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signal by pressing terminals(22 and 23) together(paragraphs 0010, 0013, 0015, drawing 1.).

Consider claim 8, and as applied to claim 7 above, Keiichiro further teaches:

the trigger comprises:

a movable rod(21) for triggering a switch to generate a trigger signal while a force is applied(Pressure on the moving rod(21) brings the contacts(22 and 23) together, creating a signal, paragraphs 0010, 0013, and 0015.); and

an elastic member(22) for returning the movable rod to stop the triggering of the switch, while the force is not applied on the movable rod(Terminal(22) is an elastic member, as when a force is applied(paragraph 0010) to the movable rod(21, see drawing 1), terminal(22) is pressed into contact with terminal(23), and when no force is applied, the terminals will not be in contact, paragraphs 0010-0017.).

Consider claim 9, and as applied to claim 8 above, Keiichiro further teaches the movable rod is positioned within a recess on the housing(See drawing 1. A recess, which contains movable rod(21), is formed in the housing of the camera in order to accept a tripod.).

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keiichiro.

Consider claim 6, and as applied to claim 1 above, Keiichiro teaches of a photosensor(10), but does not explicitly teach that the photosensor is a CCD.

However, **Official Notice** (MPEP § 2144.03) is taken that both the concepts and advantages of using a CCD photosensor in a digital imaging device are well known and expected in the art. It would have been obvious to a person having ordinary skill in the art at the time of the invention to use a CCD image sensor as the photosensor taught by Keiichiro for the benefit that CCD's have traditionally provided the performance benchmarks in the photographic, scientific, and industrial applications that demand the highest image quality (as measured in quantum efficiency and noise).



Consider claim 11, and as applied to claim 7 above, Keiichiro teaches of a photosensor(10), but does not explicitly teach that the photosensor is a CCD.

However, **Official Notice** (MPEP § 2144.03) is taken that both the concepts and advantages of using a CCD photosensor in a digital imaging device are well known and expected in the art. It would have been obvious to a person having ordinary skill in the art at the time of the invention to use a CCD image sensor as the photosensor taught by Keiichiro for the benefit that CCD's have traditionally provided the performance benchmarks in the photographic, scientific, and industrial applications that demand the highest image quality (as measured in quantum efficiency and noise).

10. Claims 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keiichiro in view of Kubo(US 7,030,911).

Consider claim 5, and as applied to claim 1 above, Keiichiro teaches of a trigger signal, and of a photosensor(see claim 1 rationale). Furthermore, Keiichiro teaches that the camera performs shake correction("Amendments are performed to compensate for "deflections"), and that the shake correction is cancelled based on the trigger signal(i.e. if the camera is connected to the tripod, paragraphs 0010-0017). However, Keiichiro does not explicitly teach that the exposure period of the photosensor is prolonged while the trigger signal from the trigger is received.

Kubo is similar to Keiichiro in that Kubo also teaches of performing shake correction to compensate for blur(column 4, line 49 through column 9, line 30, figures 2-

8). Also like Keiichiro, Kubo teaches that different situations contain different amounts of camera/subject movement, and thus require different amounts of correction(See figure 8, column 5, line 54 through column 6, line 6.).

However, in addition to the teachings of Keiichiro, Kubo teaches that the exposure period of the photosensor is prolonged based on camera stability(See figure 8, column 5, line 54 through column 6, line 6. The speed of the exposure is calculated based on the camera/subject movement as well as the brightness. See also, figure 7.).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to prolong the exposure period of the photosensor as taught by Kubo, while the trigger signal indicating camera stability as taught by Keiichiro is obtained for the benefit of increasing picture quality and depth in low motion situations(Kubo, column 1, lines 40-45, column 5, line 54 through column 6, line 6).

Consider claim 10, and as applied to claim 7 above, Keiichiro teaches of a trigger signal, and of a photosensor(see claim 1 rationale). Furthermore, Keiichiro teaches that the camera performs shake correction("Amendments are performed to compensate for "deflections"), and that the shake correction is cancelled based on the trigger signal(i.e. if the camera is connected to the tripod, paragraphs 0010-0017). However, Keiichiro does not explicitly teach that the exposure period of the photosensor is prolonged while the trigger signal from the trigger is received.

Kubo is similar to Keiichiro in that Kubo also teaches of performing shake correction to compensate for blur(column 4, line 49 through column 9, line 30, figures 2-

8). Also like Keiichiro, Kubo teaches that different situations contain different amounts of camera/subject movement, and thus require different amounts of correction(See figure 8, column 5, line 54 through column 6, line 6.).

However, in addition to the teachings of Keiichiro, Kubo teaches that the exposure period of the photosensor is prolonged based on camera stability(See figure 8, column 5, line 54 through column 6, line 6. The speed of the exposure is calculated based on the camera/subject movement as well as the brightness. See also, figure 7.).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to prolong the exposure period of the photosensor as taught by Kubo, while the trigger signal indicating camera stability as taught by Keiichiro is obtained for the benefit of increasing picture quality and depth in low motion situations(Kubo, column 1, lines 40-45, column 5, line 54 through column 6, line 6).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Albert H. Cutler whose telephone number is (571)-270-1460. The examiner can normally be reached on Mon-Fri (7:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc-Yen Vu can be reached on (571)-272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AC

A handwritten signature in black ink, appearing to read 'Ngoc-Yen Vu', is written over the printed name.

NGOC-YEN VU  
SUPERVISORY PATENT EXAMINER